

UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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The FOLLOWING ATTACHMENT(8) ARE PART OF THIS ACTION: Motice of References Cited by Examiner, PTO-892. Notice of Informal Patent Application, Form PTO-152. Notice of Art Cited by Applicant, PTO-1449. Notice of Informal Patent Application, Form PTO-152. Information on How to Effect Drawing Changes, PTO-1474. Notice of Informal Patent Application, Form PTO-152. SUMMARY OF ACTION Williams	This application has been of	examined	Responsive to comm	unication filed on		☐ This action is made final.
The policetion has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. Claims	 ortened statutory period fo	or response to this a	ction is set to expire	3 _{mont!}	Y(8)	days from the date of this last
Notice of References Cited by Examiner, PTO-882. Notice of Art Cited by Applicant, PTO-1449. Notice of Art Cited by Applicant, PTO-1449. Notice of Information on How to Effect Drawing Changes, PTO-1474. Notice of Information and How to Effect Drawing Changes, PTO-1474. Notice of Information and How to Effect Drawing Changes, PTO-1474. Notice of Information and Patent Application, Form PTO-152.	ure to respond within the po	eriod for response w	ill cause the application	to become abandone	d. 35 U.S.C.	
Notice of References Cited by Examiner, PTO-882. Notice of Art Cited by Applicant, PTO-1449. Notice of Art Cited by Applicant, PTO-1449. Notice of Information on How to Effect Drawing Changes, PTO-1474. Notice of Information and How to Effect Drawing Changes, PTO-1474. Notice of Information and How to Effect Drawing Changes, PTO-1474. Notice of Information and Patent Application, Form PTO-152. Notice of Information and Patent Application, Form PTO-152. Notice of Information and PTO-152. Notice of Information PTO-152. Noti						
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SUMMARY OF ACTION Claims	Notice of Reference	a Cited by Examiner	, PTO-892.	2. Notice re i	Patent Drawing, P	TO-948.
### SUMMARY OF ACTION Claims	i. Information on How	by Applicant, PTO-1 to Effect Drawing C	449. hanges, PTO-1474	4. Li Notice of I	nformal Patent Ap	plication, Form PTO-152.
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Claims						have been cancelled.
Claims are objected to. Claims are subject to restriction or election requirement are subject to restriction or election requirement This application has been filled with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. Formal drawings are required in response to this Office action. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable not acceptable (see explanation or Notice re Patent Drawing, PTO-948). The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner disapproved by the examiner (see explanation). The proposed drawing correction, filed on has been approved disapproved (see explanation). Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received since this application appears to be in condition for allowance except for formal matters, prosecution as to the meritals acceptable.	· · · · · · · · · · · · · · · · · · ·					are allowed.
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Serial No. 07/932,142

Art Unit 1202

Claims 20-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,158,952.

Although the conflicting claims are not identical, they are not patentably distinct from each other because ordinarily, an ester is unpatentable over the corresponding alcohol, for simple acids (In re Ward, 141 USPQ 227). See also Ex parte Korten, 71 USPQ 173; In re Shaub, 190 USPQ 324, 326 (footnote 2).

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. In re Vogel, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

The Abstract is objected to, as the compounds are incompletely described. The claim 1 language is suggested.

Any inquiry concerning this communication should be directed to M. Berch at telephone number (703) 308-4718.

BERCH:jd November 19, 1992 A L. BENGH (ARY EXAMINE) 20 - ART